IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16900 of 2004

Between:

N.Gopi Chand, S/o Late Achaiah,
Postal Pensioner, R/o Tenali, Guntur District

..... PETITIONER

AND

1 The Govt.of India, rep.by Ministry of Defence, New Delhi
2 The Adjuntant General Personnel Services, Adjuntant General Branch, Army Head Quarters,
DHQ PO, New Delhi - 110011
3 The Office Incharge, Signals Records Office, Seethapal Mandi, Jabalpur, 482001, M.P.State
4 The Chief Controller of Defence Accounts, Allahabad, Uttar Pradesh State
5 The Director General of Postal Services, New Delhi

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus, to direct the respondents to pay Pension and Gratuity by reckoning the Boy-Service rendered as per Memo dated 27-3-2002 issued by the 1st respondent herein by declaring the inaction as illegal, arbitrary and violative to Art.14 and 21 of the Constitution of India and pass such other order or orders as this Hon'ble Court deem think fit and proper

Counsel for the Petitioner: MR.V.MALLIK

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage made the following :

THE HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 16900 of 2004

ORDER;

The petitioner claims that he entered into Indian Army in 1955, at the age of 14 years 7 months and worked till 15.03.1964. Subsequently, he joined in the Postal

Department on 23.11.1967 and retired from Service on 31.10.2000. He was receiving the pension as fixed by the concerned authorities for the service rendered by him from the period of his attaining majority.

The petitioner submits that he came to know that the Government of India, Ministry of Defence, issued proceedings dated 27th March, 2002 extending the benefit of counting of service rendered by the persons, who worked in the Army, before attaining the age of 17 years, as qualifying service for the purpose of computation of pension and gratuity. He, therefore, immediately made a representation on 01.06.2004 and also made representations on 15.06.2004, 06.07.2004, 17.07.2004 and 07.08.2004 to the third respondent requesting him to extend the benefit of the computation of the pension and gratuity by including the **B**oy service from 18.06.1955 till he completed 18 years of age. The petitioner further submits that the third respondent sent a communication on 19th August, 2004 intimating that in the absence of army number, no action can be taken on his representation by the said office. Therefore, the petitioner was advised to intimate the correct Army number with the available documents. The petitioner submits that he sent the particulars relating to his Boy service on 31.08.2004 and he is awaiting orders from the 3rd respondent. The petitioner approached this Court through this Writ petition seeking a direction to the 3rd respondent to pass appropriate orders regarding his request for counting of Boy service and forward the same to the first respondent for final sanction.

Having regard to the above facts and circumstances, the third respondent is directed to pass appropriate orders on the representations of the petitioner dated 01.06.2004, 15.06.2004, 06.07.2004, 17.07.2004 and 07.08,.2004, regarding his request for counting of Boy service for the purpose of computation of the pension and gratuity, at the earliest, keeping in view the proceedings of the first respondent dated 27th March, 2002 as expeditiously as possible.

Accordingly, the Writ Petition is disposed of. No costs.

Dr. G.YETHIRAJULU, J.

21st September, 2004

Note:

Issue C.C. within two days

(By Order)

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Copy to:

1. The Ministry of Defence,
   Government of India, New Delhi
2. The Adjuntant General Personnel Services,
   Adjuntant General branch, Army Head Quarters,
   DHQ PO, New Delhi-110011
3. The Office Incharge, Signals Records Office,
   Seethapal mandi, Jabalpur, 482001, M.P.State.
4. The Chief Controller of Defence Accounts,
   Allahabad, Uttar Pradesh State.
5. The Director General of Postal services. New Delhi.
6. Two C.D.Copies.